

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the allowance of claims 15-18, 25-30, 33-35, and 38-55 and the indication of allowable subject matter in claims 4, 7-14, 20, 23, and 24.

The Examiner rejects claims 5-6, 31-32, 36-37, and 46-47 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out what is included or excluded by the claim language. According to the Examiner, the claims are omnibus claims.

Applicant disagrees.

Under MPEP §2173.05(r), an omnibus claim “reads as follows: A device substantially as shown and described.”

Each of the rejected dependent claims is *not* an omnibus claim or otherwise violative of 35 U.S.C. §112, second paragraph. In each case, the corresponding claim from which it depends uses the disjunctive and conjunctive language “at least one of . . . and . . .” For example, the language “at least one of A, B, and C” refers to A alone, B alone, C alone, A and B together, A and C together, B and C together, and A, B and C together. Each of the rejected dependent claims selects only a subset of the possible combinations. Accordingly, the dependent claims do point out what is included or excluded by the claim.

The Examiner rejects claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Obradovich et al. (U.S. 2003/0117297) in view of Heller et al. (U.S. 2005/0051669).

Independent claim 1 has been amended to include the limitations of allowable dependent claim 8 and is therefore allowable.

The Examiner further rejects claims 19 and 21-22 under 35 U.S.C. §102(b) as being anticipated by Hill (U.S. 5,714,691).

Applicant disagrees.

As amended, Hill fails to teach or suggest at least the following features of independent claim 19:

19. An anemometer for measuring wind speed and direction, comprising:
first and second transducers positioned along a first axis; and
third and fourth transducers positioned along a second axis, the first and second axes being at least substantially orthogonal, wherein each of the first, second, third, and fourth

transducers are configured in a transmit mode to transmit a measurement signal and in a receive mode to receive the measurement signal and *wherein, based on the measurement signals received by each of the first, second, third, and fourth transducers, a wind speed and direction are determined.*

Hill is directed to a method and system for analyzing a two-phase flow in a one dimensional conduit in which acoustic energy is transmitted through a conduit and into the flow. From the return echoes off of the interface between the two phases, the mass flow rate and/or quality can be determined. Standard ultrasonic transducers 48, 50, and 52 are coupled to the outer wall of the conduit 40 at different circumferential locations at one axial position. A fourth transducer 54 is placed directly downstream of transducer 48 to determine the characteristic film velocity. Transducers 48, 50, and 52 are fired sequentially. Axially displaced transducer 54 is fired at a later time than transducer 48. The outputs of transducers 48 and 54 are cross correlated to determine the flow velocity. A multiplexer 64 multiplexes the transducer outputs. Although Hill states that the transducer configuration may be used for single-phase media, it teaches how to measure flow parameters for multi-phase media.

Hill determines flow velocity of a two-phase flow along a constrained flow path (*i.e.*, a pipe). It determines neither the flow velocity of a single phase fluid such as the wind in a two-dimensional space nor the flow direction of the fluid. There is a substantial difference between measuring the flow velocity of a two-phase fluid having a reflective interface and a one-phase flow having no such interface. Moreover, because the two-phase flow flows in a conduit, there is no motivation or incentive to modify Hill to determine the flow direction of the two-phase flow.

Accordingly, the rejected claims are allowable.

Application No. 10/830,166

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:



Douglas W. Swartz
Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: Nov. 22, 2005